

REMARKS

Claims 1-26 are in the application.

In said official action the Examiner rejected claims 1-10 and 26 under 35 USC 112, second paragraph as being indefinite. The Examiner queried whether claim 1 would better be directed to a system, since it was indefinite in its current form as a probe holder. In response thereto, Applicants have converted claim 1 to a system, as suggested, and made claim 2 independent, with claims 5, 6 and 9 having had their dependencies changed to claim 2.

The Examiner further queried the number of circumferentially disposed orifices, in claim 8, as being defined by the term "plurality", with the implied number of two being inappropriate for a circumference. Accordingly, claim 8 has been amended to specify "at least three" (the number exemplified).

A contradiction perceived by the Examiner between claims 25 and 26, with overlapping ranges, has been obviated by specifying that the lower pressure is up to (but does not include) 10psi and the higher pressure is from 10psi.

In view of such amendments the Examiner is requested to review and withdraw the rejection of claims 1-10 and 26 under 35 USC 112, second paragraph.

All of the claims have been primarily rejected on the basis of the cited DeThomas et al. reference. Claims 1-3, 7, 8, 6(sic), 11-13, 16 and 19-21 were rejected under 35 USC 102(b) as being anticipated by DeThomas et al. Claims 22, 25 and 26 were rejected under 35 USC 103(a) as being obvious in view of DeThomas et al. Claims 4,5,9,10 and 13-15 were rejected under 35 USC 103(a) as being obvious over DeThomas et al. (as previously cited) in view of McGowan et al. Claims 17 and 18 were further rejected as being obvious over DeThomas et al. in view of Applicant's Statement (page 1 of the specification). Claims 23 and 24 were further rejected on the basis of DeThomas et al. in view of McGowan et al. and Applicant's Statement.

In support of such rejection the Examiner stated that:

“...As to claims 1,11,12,19,20, DeThomas et al teach a probe 15 holder, comprising: means to hold a probe 15 (either a portion of the vertical wall of container 13, or even the entire container 13), and blowers providing air to the contents of the container **resulting in blowing air and powder scrubbing the probe.** (See col. 3, lines 16-23) It is the providing of the air to the window that clears contaminants from the window...” (emphasis supplied).

This is manifestly incorrect with the Examiner having clearly misread the DeThomas et al. reference. The section of the DeThomas reference (col. 3, lines 16-23), cited by the Examiner, is contained in the following:

“...The fluidized bed of the powder 11 will be in an agitated state caused by the drying air blowing through the mesh 14 and through the bed of powder 11. **As a result of this agitation, the powder will continuously scrub the window 21 and prevent the window 21 from being coated with the powder.** Thus, measurements of the powder can be made continuously as the powder is dried. In the preferred embodiment, the powder is dried and measured in a continuous process with new moist powder introduced into one part of the bed and dry powder exiting the bed from the other end. Alternatively, the measurement may be made in a system in which the powder is dried in a batch process...” (emphasis supplied).

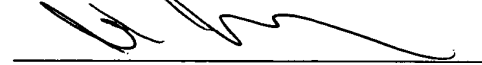
In the DeThomas et al. structure it is not the blowing air which clears the contaminants but rather the agitated and air propelled particles of the powder which scrub (abrasively) the window 21. The particles of the fluidized bed are propelled by the air underneath it, whereas the present invention and structure require a direct impingement of pressurized air (or other gas) on the probe detecting end without intervening abrasive materials. In fact the DeThomas et al. structure and description actually is such that blowing air does not come in contact with the surface of window 21 since the window is at right angles to the air flow and blowers 22 as well as the air vent 18 (see Figure 1). The body of the probe causes an air turbulence so that air is effectively prevented from having any cleaning effect on window 21. Air is not “directly provided to the end of the probe to clear moisture or contaminants from the detecting end by said gas” Particles of the powder, with weight, may be randomly thrown against the window 21 to effect the described scrubbing but this is not directly by the air. It is submitted that the DeThomas reference neither anticipates nor renders the presently claimed invention as being obvious and, as such, the secondary references cited by the Examiner are moot. The Examiner is accordingly requested to

review and withdraw the rejection of claims as being either anticipated or obvious over the prior art.

In view of the above amendments and discussion it is submitted that the claims are patentable over the cited prior art and are in condition for allowance. Such favorable action is respectfully solicited.

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Respectfully submitted,



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